

2003 Annual Report



MIAMI-DADE

COMMISSION ON ETHICS & PUBLIC TRUST

Commission Members

Kerry E. Rosenthal, Chair

Judge Robert H. Newman, Vice-Chair

Dawn E. Addy

Gail A. Dotson

Elizabeth M. Iglesias

Staff Members

Robert Meyers, Executive Director

Michael Murawski, Advocate

Ardyth Walker, Staff General Counsel

Christina Prkic, Staff Attorney

Manuel Diaz, Lead Investigator

Sylvia Batista, Investigator

Don Finefrock, Investigator

Arthur Skinner, Investigator

Beverly Morrison, Investigator

Christina Topley, Auditor

Victoria Frigo, Law Clerk

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May 1, 2004

Honorable Mayor Alex Penelas
Honorable Board Members of the County Commission
Mr. George Burgess, County Manager
Miami-Dade County Citizens

The Miami-Dade County Commission on Ethics & Public Trust is pleased to present its 2003 Annual Report.

During the past year, the Commission continued its mission, through a variety of channels, to promote high standards for public service in Miami-Dade County. Employing a staff of 15, including attorneys, investigators and outreach specialists, the Ethics Commission handled over 39 new complaints, 190 opinions and 141 inquiries; conducted nearly 200 educational programs for County employees, vendors and lobbyists as well as the public; made numerous individual presentations and panelist contributions on topics related to ethical government practices; monitored and assisted County and municipal staff in their legislative efforts to pass government ethics ordinances; and organized a community-based report to measure the effectiveness of ethics reform in Miami-Dade County over the past six years.

In the area of advice-giving (which includes both formal requests for opinions and informal inquiries), the Commission and its staff issued 332 opinions and responses—a rise of 44% over 2002. Significantly, these efforts were accomplished with no increase in personnel from the previous year. During the same time, enforcement efforts focused on a total of 39 complaints, initiated by the Commission's advocate as well as the public.

During 2003, education and outreach efforts included employment training sessions, vendor and lobbyist

workshops, as well as speeches and special events directed toward both the public and private sectors. Of the nearly 200 programs sponsored by the Commission, highlights included a one-day conference on environmental ethics, four workshops geared toward procurement professionals and a seminar for nonprofit organizations.

Regarding legislative efforts, the Commission achieved an important victory with the passage of amendments to the County ordinance governing lobbyist registration and reporting requirements. Equally significant was the passage of an amendment broadening the scope of the Cone of Silence to include elected officials and their staffs. Legislators also authorized the Ethics Commission to audit campaign accounts of candidates receiving funding from the Election Campaign Trust Fund. Finally, the Commission staff provided guidance to several municipalities developing ethics ordinances, campaign finance reform laws and lobbying restrictions. Meanwhile, the Commission continues in its efforts to promote legislation that would impose restitution for violation of the Ethics Code.

A report to measure the effectiveness of ethics reform in the County since 1996 reached completion at the end of 2003. Titled "A Community's Resolve to Restore Integrity, Accountability and Public Trust: The Miami-Dade Experience," the publication seeks to focus the public's attention on the mission of the Ethics Commission and to encourage cooperation toward this end by business, civic and government entities.

As always, we appreciate your continued support of our efforts to raise the standard of ethical conduct in Miami-Dade County government service.

Sincerely,

//original signed//

Robert Meyers
Executive Director

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MISSION STATEMENT

The Ethics Commission was founded on the principle that integrity is essential to both the governmental decision-making process and the process whereby candidates are elected. Toward this end, we seek to strictly enforce the ethics ordinances within our purview. But another critical component of our mandate includes educating citizens in both the public and private sectors as well as those in government. Each group has an important role to play in ensuring that our community leaders and staff are accountable and public trust in them is warranted. Only by requiring the highest ethical behavior from those in public service can fairness, openness and transparency in government be achieved.

FUNCTIONS & AUTHORITY

The Ethics Commission has jurisdiction in both Miami-Dade County and 34 municipalities within its borders, provided the subject is covered by one of the following ordinances under the Commission's authority:

- ❑ **Conflict of Interest and Code of Ethics Ordinance**
- ❑ **Citizens' Bill of Rights**
- ❑ **Ethical Campaign Practices Ordinance**

Our specific statutory authority is derived from Miami-Dade County Code §2-1072. This ordinance grants the Ethics Commission the power to review, interpret, enforce and render opinions and letters of instruction regarding the above-mentioned County and municipal ordinances. The Ethics Commission is also empowered to appoint and remove the Inspector General.

HISTORY

In 1996, the citizens of Miami-Dade County voted to amend the Home Rule Charter to create an Ethics Commission. Subsequently, the Board of County Commissioners, through Ordinance 97-105, established the Commission on Ethics & Public Trust, an independent agency with advice-giving and quasi-judicial powers.

The Ethics Commission is composed of five volunteer members who serve staggered terms of four years each. Members are appointed by the following individuals or institutions:

- ❑ **The Chief Judge of the Eleventh Judicial Circuit**—two appointments with the following qualifications:
 - (1) Former Federal Judge, or former U.S. Magistrate or former State Court Judge and
 - (2) Former U.S. Attorney, or Assistant U.S. Attorney, former State or Assistant State Attorney, former County or Assistant County Attorney or former City or Assistant City Attorney.
- ❑ **The Dean of the University of Miami School of Law and the Dean of the St. Thomas University School of Law**—one shared appointment with the following qualifications:
 - Faculty member from the law school who has taught a course in professional legal ethics or who has published or performed services in the field of professional legal ethics.
- ❑ **Miami-Dade League of Cities**—one appointment with the following qualifications:
 - Member who has held local elective office prior to appointment.
- ❑ **The Director of Florida International University's Center for Labor Research and Studies**—one appointment.

Each member must be a resident of Miami-Dade County. Additionally, while serving on the Commission, each member cannot hold or campaign for an elective office or hold office in any political party or political committee.

The Ethics Commission is empowered to appoint the Executive Director, who must be a member of the Florida Bar. Robert Meyers was named Executive Director in 1998.

COMMISSION MEMBERS

KERRY E. ROSENTHAL, CHAIR

Kerry Rosenthal was appointed by the Miami-Dade League of Cities in 1998. Mr. Rosenthal is a Miami attorney and partner with the law firm of Rosenthal, Rosenthal, Rasco. His primary areas of practice include real estate and development, business transactions and corporations.

In addition to his role as Chairperson of the Ethics Commission, Mr. Rosenthal also serves on the Real Estate Certification Committee of the Florida Bar and as pro-bono legal counsel for Stop Hunger, Inc. He is a former Director and President of the North Dade Bar Association and former Vice-Mayor and Councilman of the Town of Golden Beach. He is active in several bar associations and charitable organizations.

Mr. Rosenthal received his B.A. degree from the University of Florida and his Juris Doctorate degree from the University of Miami.

ROBERT H. NEWMAN, VICE-CHAIR

Judge Robert Newman was appointed in 1999 by the Chief Judge of the Eleventh Circuit. Judge Newman, retired, is certified in Florida as a Circuit Court Mediator and is a mediator with Mediation, Inc., a group of former judges and trial attorneys providing neutral third-party settlement intervention in major pending litigation in the U.S. He is also admitted to practice before the U.S. Supreme Court.

Judge Newman was appointed to the Miami-Dade County Court in 1978 following more than 20 years of private law practice as well as service with the offices of the State and U.S. Attorneys. In 1982, he was appointed to the Circuit Court. From 1992 to 1997, he served as Administrative Judge in the Probate and Guardianship Division.

Judge Newman is presently Chief Special Hearing Officer with the City of Miami Beach as well as an instructor with the Miami-Dade Community College Paralegal Program. He is active with the Leukemia Society of America, Inc., where he was past secretary of its National Board of Trustees.

DAWN E. ADDY

Dawn E. Addy, Ph.D., serves as Director of the Center for Labor Research and Studies at Florida International University. Professor Addy's academic efforts have focused primarily on issues of workplace diversity and community building. She has designed specialized training programs, curricula and materials in the areas of harassment, cultural diversity, workplace violence, conflict resolution, effective communication skills, problem solving, leadership skills, electronic publishing skills, labor law, Americans with Disabilities Act, Family and Medical Leave Act, HIV-AIDS, stress and self-image, bridging the gender gap, workplace literacy and adult education techniques. She served on the Equal Opportunity Board for Miami-Dade County for five years prior to her appointment on the Ethics Commission in the fall of 2001.

Prior to her work at FIU, Dr. Addy was on the faculty of the Labor Education Service of the Industrial Relations Center at the University of Minnesota. She completed her graduate work at the University of Minnesota, earning a Master's degree in Industrial Relations and a Ph.D. in Work, Community and Family Education. She is currently president of the group "Many Voices: One Community," which facilitates dialogue on issues of racism and immigration throughout southern Florida. Dr. Addy also serves on the Access and Equity Committee for FIU as Diversity Committee Chair.

GAIL ASH DOTSON

Gail A. Dotson was appointed in December 2001 by Chief Judge Joseph P. Farina of the Eleventh Circuit. Ms. Dotson is Assistant Dean in the Career Planning and Placement Department of Florida International University College of Law. Previously, Ms. Dotson served as the Director of Law Development and Alumni Relations at the University of Miami School of Law.

A graduate of the University of Miami School of Law, Ms. Dotson was formerly an associate attorney with Fowler, White, Burnett, Hurley, Banick & Strickroot, P.A., and as an assistant attorney in the Miami-Dade County Attorney's Office, where her focus was in administrative advocacy and commercial litigation. She is a member of the Florida Association of Women Lawyers, Delta Sigma Theta Sorority and a graduate of Leadership Miami, Class of 1987.

In addition to her law degree, Ms. Dotson holds a Bachelor of Science degree from Florida A & M University and a Master's in Business Administration from Nova Southeastern University.

ELIZABETH M. IGLESIAS

Elizabeth Iglesias was appointed in 1998 by the Dean of the University of Miami School of Law. She is a professor of law who teaches employment relations, criminal procedure, international law and international trade and investments.

She earned a B.A. degree from the University of Michigan and a J.D. degree from Yale Law School. Prior to joining the University of Miami School of Law faculty, Professor Iglesias worked as an associate researcher at the Harvard Law School Center for Criminal Justice in the Harvard/Guatemala Criminal Justice Reform Project and as an associate attorney with Miller, Canfield, Paddock & Stone.

In the mid 1990s, Professor Iglesias and others in the legal academy founded Latina and Latino Critical Legal Theory, Inc., a multidisciplinary group organized for the purpose of promoting scholarship and understanding of civil and international human rights laws in a globalized society. In addition to serving as co-chair of this organization, Professor Iglesias is the co-founder and co-director of the Center for Hispanic and Caribbean Legal Studies at the University of Miami School of Law. She is widely published in legal and academic journals.

ROBERT MEYERS, EXECUTIVE DIRECTOR

Robert Meyers has served as Executive Director of the Ethics Commission since 1998. He regularly addresses audiences on the topic of government and ethics—frequently appearing on local television programs and on panels sponsored by municipalities, chambers of commerce, bar associations and universities.

Prior to his appointment at the Ethics Commission, Mr. Meyers was a professor at the University of Tennessee, where he taught courses in criminal law, legal ethics, government law and public administration. He is frequently published in local newspapers, and his article titled “Professionalism and the Practice of Ethics in Local Land Use Planning” has been published in an environmental law treatise.

Mr. Meyers holds a B.A. degree from the University of Florida, a Master’s degree in Public Administration from Florida International University and a Juris Doctorate degree from the University of Miami School of Law.

STAFF & BUDGET

The Ethics Commission operates in four capacities:

- ❑ **Advice-Giving**
- ❑ **Enforcement**
- ❑ **Education and Community Outreach**
- ❑ **Legislative Analysis and Review**

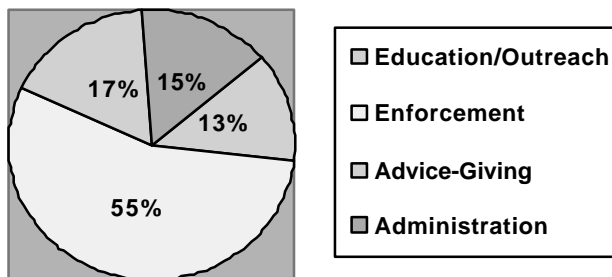
In 2003, the Commission issued 332 opinions and responses—a rise of 44% over 2002, with no additional personnel from the previous year. Additionally, the Ethics Commission adjusted the duties of its staff to expand community outreach efforts. This refocusing was in response to an increased demand from the public and private sectors for ethics training, conferences and workshops.

BUDGET

The Ethics Commission shares an operating budget with the Office of the Inspector General. The charts below illustrate, in approximate terms, the revenue allocation and expenditures related *only* to Ethics Commission personnel for the fiscal year 2002-2003 and for projected personnel expenses in 2003-2004.

Actual Personnel Expenses

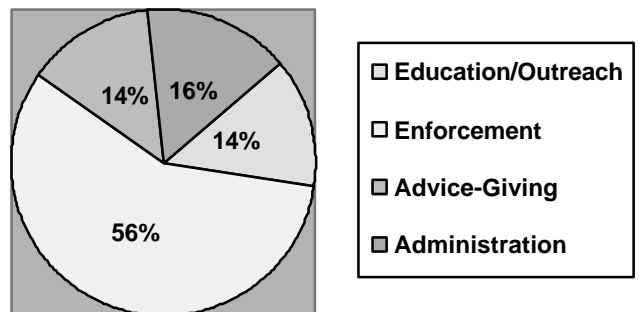
2002-2003



These percentages reflect personnel costs in each area out of a general budget of \$1.33 million. The Ethics Commission's operating budget of \$184,000 covers expenditures for training materials, office supplies and equipment.

Projected Personnel Expenses

2003- 2004



These percentages reflect personnel costs in each area out of a general budget of \$1.55 million. The Ethics Commission's operating budget of \$196,000 covers expenditures for training materials, office supplies and equipment.

EDUCATION & OUTREACH

The Ethics Commission's vision for an extensive and proactive community ethics education and outreach program encompassed several projects in the year 2003. Our primary focus was to increase citizen understanding and participation in governmental accountability efforts and to educate the local government workforce. Listed below are some of the events leading toward this goal.

WORKSHOPS AND CONFERENCES

❑ Gift Workshops

Over the last two years, the Commission on Ethics and Public Trust has responded to over 100 questions concerning gifts. In response to these questions and many others, the Ethics Commission conducted several gift workshops titled "Unwrapping the Confusion" in January and February of 2004.

❑ Second Annual Environmental Ethics Conference

On April 25, 2003, educators from Florida Atlantic University, the University of Miami, Miami-Dade Community College, the Miami-Dade County Ethics Commission, along with government and community members, joined in a day-long conference focusing on "Everglades Restoration and Communities." The event was held at the African-American Research Library and Cultural Center in Fort Lauderdale.

❑ Business and Professional Training

As part of a general training effort geared toward business and professional communities, the Ethics Commission staff presented several workshops under the title BEAM—Business for Ethical and Accountable Management. This new initiative is designed to increase understanding about best business practices and the ethics rules as they relate to contracting with local government.

- ❑ **Training for Procurement Professionals**

Pursuant to Resolution 769-03, all County staff involved in the procurement process were required to attend annual training on ethics and the avoidance of conflicts of interest. The Ethics Commission, the State Attorney's Office (Public Corruption Unit), the Department of Procurement Management and Florida International University conducted four ethics workshops for procurement staff from October through December 2003. The workshops proved very popular, with over 350 people attending.

- ❑ **Nonprofit Ethics Seminar**

On November 14, 2003, the Ethics Commission joined with C-One, the Center on Nonprofit Effectiveness, to conduct a seminar that covered general principles as well as case studies involving ethics for nonprofit organizations.

TRAINING

The Ethics Commission maintained ongoing projects in the following areas:

- ❑ **Municipal Ethics Training**

The Ethics Commission offers a two-hour overview of the Code of Ethics for all municipal employees and officials within Miami-Dade County. To date, the program has been provided to 23 municipalities.

- ❑ **Initial County Ethics Training and Refresher Courses**

Ethics training is mandatory for all new employees in Miami-Dade County and is continually updated through refresher courses.

The Commission on Ethics and Public Trust continued to make presentations discussing the work of our agency and issues of local concern before nonprofit, professional and private organizations, local chambers of commerce and area colleges and universities. This year our office conducted more than 150 presentations and another 40 workshops.

The Commission maintains an active role in national ethics consortiums, professional associations and academic networks. At the local level, Commission staff regularly attend, support and speak at events sponsored by the Miami-Dade City and County Management Association, the Miami-Dade County Municipal Clerks and the Miami-Dade League of Cities. The Commission on Ethics lent its expertise to international officials as well. This included training graduate students at Universidad de Catolica in La Paz, Bolivia, and media professionals in Nigeria who were participating in the "Foundations of Democracy in Africa" program.

COLLABORATIONS

The Commission operates under the principle that community collaboration is fundamental to the success of our outreach and education campaign. The following are some examples of our collaborative efforts:

- ❑ **Model Student Ethics Commission Program**
Our affiliation with the Miami-Dade Public Schools and its Ethics Advisory Committee has enabled us to expand the Model Student Ethics Commission Program at two local high schools. Participating students engage in role-playing activities by conducting mock public hearings. In addition to learning about local government administration, they are encouraged to develop critical thinking skills through discussions involving ethical decision-making and the resolution of ethical dilemmas.
- ❑ **Quarterly Luncheons with Local Government Attorneys**
These quarterly gatherings represent an effort by the Commission to establish a dialogue with local government attorneys on issues of mutual interest and concern.

PUBLICATIONS

- ❑ The Commission on Ethics updated the “Conflict of Interest and Code of Ethics Ordinance” pamphlet, which was circulated to thousands of County and municipal personnel to assist in training efforts.
- ❑ Commencing in 2002 and running through 2003, the Ethics Commission convened a series of meetings with business, government, nonprofit and academic institutions to prepare a report examining the efforts undertaken since 1996 to combat corruption and restore a commitment to ethics. The final report is scheduled for release in early 2004.
- ❑ The Ethics Commission continued publication of its newsletter, *Ethics Beat*, with editions in June and December of 2003. The newsletter features a column by the Executive Director as well as articles about the Commission’s most current opinions, training opportunities, conferences, seminars and workshops. The newsletter is available on our website at www.miamidade.gov/ethics.
- ❑ In 2003, the Ethics Commission completed a national survey of local governments to determine how they promoted ethics and accountability in administration and decision-making. The survey results were forwarded to the *Public Administration Times* for publication in the January 2004 issue. Additional information about the survey is available on our website at www.miamidade.gov/ethics or by calling the Ethics Commission at (305) 579-2594.

ARÊTE AWARD

In conjunction with the Greater Miami Chamber of Commerce, the Commission on Ethics took great pride in bestowing recognition on individuals and organizations exemplifying a commitment to high ethical standards and public service. This year, the Miami-Dade County Commission on Ethics expanded the Arête award to include a category titled “Business of the Year.” The honorees for 2003 were—

- ❑ **Jean S. Logan**—Volunteer Advocate of the Year
- ❑ **Stanley G. Tate**—Volunteer Advocate of the Year
- ❑ **Greater Miami Service Corps**—Program of the Year
- ❑ **Miami-Dade Community College Center for Community Involvement**—Organization of the Year
- ❑ **Carroll’s Jewelers**—Business of the Year

ENFORCEMENT PROCEDURE

FILING A COMPLAINT

Citizens can register a grievance with the Ethics Commission by submitting a written notarized complaint executed on a form prescribed by the Ethics Commission. The complaint must allege a violation within the Ethics Commission's jurisdiction, be based on substantial personal knowledge of the complainant and include as much evidence as possible. Within 30 days after receipt of the complaint, the Ethics Commission shall send a copy of the complaint to the alleged violator.

In addition, citizens can anonymously leave information and tips on our hotline at (305) 579-9093. The Commission's legal unit reviews such information, and the Advocate, in good faith, may file a complaint based upon the information, even in the absence of personal knowledge. (In addition to complaints brought by the public, in 1999 the Commission's Advocate was also authorized to initiate complaints.)

The Ethics Commission is not authorized to hear complaints involving County personnel matters or matters that require the complainant to exhaust municipal remedies first.

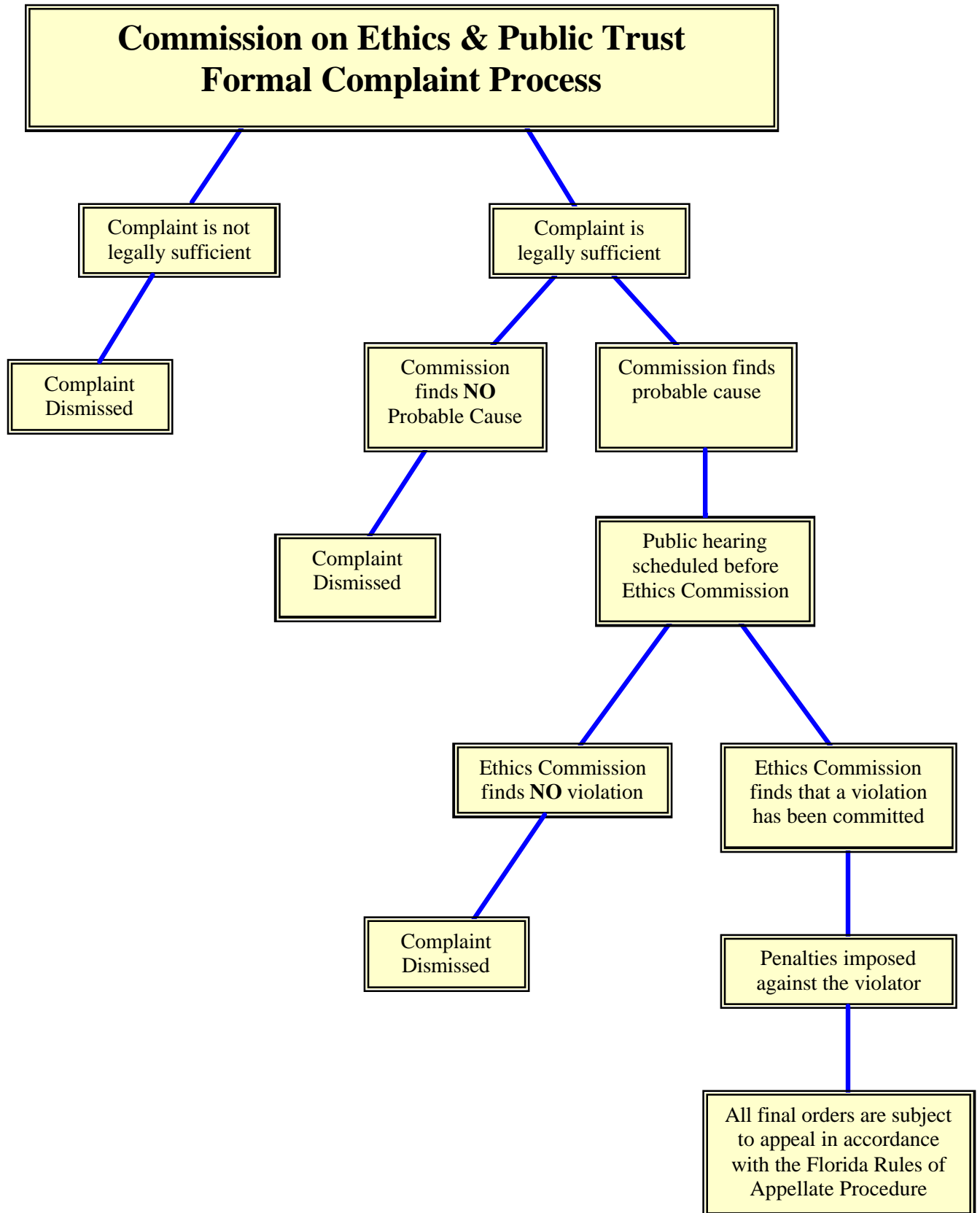
QUASI-JUDICIAL PROCESS

Section 2-1074 of the Miami-Dade County Code outlines the process and powers for conducting investigations. The Ethics Commission is empowered to subpoena, audit and investigate all facts and persons materially related to the complaint at issue.

If the Commission finds no probable cause that a violation has been committed, it shall dismiss the complaint and issue a report to the complainant and alleged violator. However, if the Ethics Commission finds probable cause, it shall notify the alleged violator and the complainant of such a determination and schedule a public hearing.

Penalties may include fines, letters of instruction, reprimand and other consequences imposed by law. All final orders may be appealed pursuant to the Florida Rules of Appellate Procedure.

The following chart illustrates the process.



ADVICE-GIVING ACTIONS

Anyone within the jurisdiction of the Ethics Commission may submit a written Request for an Opinion (RQO) or an Inquiry as to the proper interpretation or applicability of ordinances within the Commission's purview. The request must pertain to the particular facts of the individual's situation. In 2003, the Ethics Commission issued approximately 250 advisory opinions and inquiries on a wide variety of issues, including the following:

CAMPAIGN FINANCING

- **RQO 03-58**—The Ethics Commission found that political parties may make three-pack expenditures on behalf of mayoral candidates—a finding consistent with the Florida Statute that allows a political party to purchase space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates. Consistent with State law, three-pack expenditures in Miami-Dade County are not considered a contribution or expenditure to or on behalf of the candidates involved. Additionally, the Ethics Commission affirmed that political parties may make unlimited independent expenditures on behalf of non-partisan mayoral candidates and that these expenditures by political parties are not considered expenditures by the candidate.
- **RQO 03-98**—The Ethics Commission found that a candidate for County office who seeks public financing is bound by the eligibility requirements at the time that the candidate *announces* for office, not at the filing deadline, *i.e.*, the last date at which the candidate may *qualify* for the elective office sought. In order to remain eligible for public financing, the candidate in the instant case was advised not to loan her campaign an amount in excess of \$25,000 prior to submitting qualifying forms.
- **RQO 03-169**—The Ethics Commission found that a candidate for public office could raise contributions and make expenses in excess of the private expenditure cap (in the instant case of a mayoral race, \$300,000) and still be eligible for public financing *at any point after* another candidate had raised funds in excess of the total expenditure cap for the applicable race (in the mayoral race, \$600,000).

CONE OF SILENCE

- **RQO 03-81**—A response to an inquiry confirmed that a telecommunications company, which was engaged in a civil lawsuit against the Miami International Airport, was a “potential vendor” for purposes of the Cone of Silence Ordinance. The company met the two-part definition of a “potential vendor” because it was “presently engaged in the type of business” that was the subject of one of the current Requests for Proposal (RFPs) issued by the Airport and because, through its lawsuit, the company sought “to affect...decision[s] regarding the bid.” Accordingly, as a potential vendor, the company was prohibited from oral

communication with covered personnel regarding the RFP—even though the company had not submitted a response to the RFP.

CONTRACTING WITH COUNTY AGENCIES

- **RQO 03-95**—A County contract compliance officer was advised to avoid the appearance of impropriety by delegating the monitoring of a company owned by his brother to a County coworker—even though “siblings” are not considered “immediate family” under the Code of Ethics and, consequently, overseeing County business with siblings would not be prohibited. The officer was further instructed to provide the Ethics Commission with the name of the County coworker assigned to monitor the brother’s company.
- **RQO 03-104**—The Ethics Commission found that a County Commissioner’s service as a non-voting member of the Public Health Trust did not prevent her spouse from contracting with the Trust. However, if the Commissioner were to become a voting member of the Trust, she would then be prohibited from voting on matters involving the Department with which her spouse contracted; she would not be prohibited from voting on general policy and budget issues regarding the Trust.

LOBBYING

- **RQO 03-120**—A response to an inquiry clarified certain lobbying guidelines applicable to principals of architectural and engineering firms seeking to do business with the County. Generally, the principal is not required to register as a lobbyist to discuss routine rules and procedures for responding to solicitations or to discuss background information about the company and its expertise. However, principals are required to register for any meeting in which they seek to influence an action by staff, such as discussing information regarding a particular solicitation or product (*i.e.*, time frames for the solicitation, specifications, or qualifications).
- **RQO 03-122**—The Ethics Commission found that a principal of a building company was required to register as a lobbyist prior to his appearance before a community zoning appeals board. The board was considering a request to rezone a property that the building company had contracted to buy. Registration was required, even though the sales agreement for the property was held by the building company, not the principal.

TWO-YEAR RULE

- **RQO 03-74**—The Ethics Commission found that a County administrator could serve on a selection committee that was evaluating several proposals, including one from a private firm that had employed her within the past two years. The County employee was cautioned not to secure any special benefits or exemptions for her former employer through the disclosure of confidential information or exploitation of her official position. To avoid the appearance of impropriety, the employee volunteered to disclose her prior employment and declined to review

her former employer's proposal. She did, however, evaluate and discuss other proposals under evaluation.

VOTING CONFLICTS

- **RQO 03-71**—The Ethics Commission found that a County Commissioner did not have a voting conflict regarding an insurance company that provides health-care insurance to certain County employees, including the Commissioner, as well as to County retirees. The Commissioner was allowed to vote on an initial action that would protect covered personnel if the company were to become insolvent, but the Commissioner was prohibited from voting on subsequent resolutions involving unpaid claims because these actions might benefit the Commissioner in a way different from the public.
- **RQO 03-115**—The Ethics Commission found that a County Commissioner did not have a voting conflict regarding matters involving the Transit Department, in spite of the Commissioner's son being employed by the Department. Because her son was not involved in budget, policy or administrative decisions for the Agency, the Commissioner did not have a prohibited relationship with the Agency's management staff regarding her son.

ENFORCEMENT ACTIONS

FAIR CAMPAIGN PRACTICES

- **CO 03-15**—A candidate for elected office is required to make a reasonable effort to verify any allegations against an opponent contained in campaign literature that is distributed by the candidate or by his or her supporters. The candidate must disavow publicly, in oral or written form, all inaccurate statements made by any supporters.
- **CO 03-25**—A candidate for municipal office is prohibited from allowing others to circulate election petitions on her behalf because candidates are required to certify that all signatures on election petitions were made in the presence of the candidate. The action of making a false statement on a public document violates the Citizens' Bill of Rights and the Fair Campaign Practices Ordinance.

TWO-YEAR RULE

- **CO 03-23**—The Ethics Commission found that a former County employee may work as a consultant for County contractors and make routine administrative requests of County employees. But for two years following County employment, former County employees may not directly lobby County decision-makers or their staffs to encourage the passage, defeat or modification of any action on behalf of their clients. Consequently, during this time, former County employees may attend meetings concerning matters related to their clients, but only as observers.

REQUESTS-FOR-OPINIONS SUMMARY

TOTAL REQUESTS FOR OPINIONS—19I

(Includes 98 Section-8 requests and 1 withdrawn)

CODE §	ISSUES	NO. OF CASES
(a)	Covered Personnel	1
(c)	Doing Business with the Government and	
(d)	Voting Conflicts	112
(e)	Gifts	5
(f)	Compulsory Disclosure	0
(g)	Exploitation of Official Position	3
(h)	Confidential Information	2
(i)	Financial Disclosure	2
(j)	Conflicting Employment	7
(k)	Outside Employment	4
(l)	Prohibited Investments	0
(m)	Appearances before Government	*1
(n)	Taking Official Action with Financial Interests	2
(o)	Acquiring Financial Interests	0
(p)	Recommending Professional Services	0
(q)	Two-year Rule	4
(s)	Lobbying	5
(t)	Cone of Silence	2
(v)	Voting Conflicts on Advisory Boards	*2
Other	Community Council Conflicts and Matters Outside of Jurisdiction	37

**Certain requests apply to more than one provision of the Code.*

INQUIRIES SUMMARY

Inquiries are informal advisory opinions rendered by the Ethics Commission's legal staff and reviewed by the Executive Director. Oftentimes, officials or personnel may have questions that require immediate assistance, such as a pending issue regarding a voting conflict. An inquiry is rendered only when the issue is one that the Ethics Commission has formally addressed in previous opinions.

TOTAL NUMBER OF INQUIRIES RENDERED—141

ISSUE	*NO. OF CASES
<input type="checkbox"/> Transacting Business	10
<input type="checkbox"/> Voting Conflicts	10
<input type="checkbox"/> Gifts Solicitation and Sponsorships	41
<input type="checkbox"/> Outside Conflicting Employment	15
<input type="checkbox"/> Lobbying	6
<input type="checkbox"/> Cone of Silence	4
<input type="checkbox"/> Section 8 Housing	1
<input type="checkbox"/> Financial Disclosure	9
<input type="checkbox"/> Two-Year Rule	6
<input type="checkbox"/> Compulsory Disclosure	2
<input type="checkbox"/> Community Council Issues	2
<input type="checkbox"/> County and Municipal Advisory Boards	17
<input type="checkbox"/> Miscellaneous	19

**Certain requests apply to more than one provision of the Code.*

ENFORCEMENT SUMMARY

COMPLAINTS FILED

The following individuals and agencies filed 39 complaints in 2003:

<input type="checkbox"/> The Advocate	20
<input type="checkbox"/> The Office of the Inspector General	0
<input type="checkbox"/> The Public at-large	19
<input type="checkbox"/> Dismissed for lack of probable cause after the initial investigation	9
<input type="checkbox"/> Dismissed for legal insufficiency	6
<input type="checkbox"/> Dismissed in the interests of justice	4
<input type="checkbox"/> Issuance of Letters of Instruction	5
<input type="checkbox"/> No Contest pleas and/or settlement	12
<input type="checkbox"/> Pending	2
<input type="checkbox"/> Referred to the State Attorney's Office (<i>criminal charges filed</i>)	0

INVESTIGATIONS INITIATED

The Advocate's investigative staff opened 59 investigations during the year 2003. These investigations were initiated in response to complaints from citizens as well as the Advocate. Some of the Advocate's information came from anonymous letters, "hotline" calls, newspaper articles, confidential informants and other sources.

LEGISLATIVE ACTIVITIES & INITIATIVES

The Ethics Commission has the authority and responsibility to review County and municipal ethics laws and recommend changes that support fairness, openness and transparency in government. With this in mind, the Commission actively participated in the following areas in 2003:

LOBBYISTS REGISTRATION AND REPORTING ORDINANCE

Several sections of the County's Lobbyists Registration and Reporting Act were amended:

- ❑ The term "lobbyist" specifically *includes* the principal of a firm as well as any employee whose normal scope of employment consists of lobbying activities.
- ❑ The term "lobbyist" specifically *excludes* certain individuals representing others during publicly noticed quasi-judicial proceedings; in general, those excluded are attorneys, expert witnesses providing specialized information, representatives of neighborhood associations and not-for-profit community-based organizations who appear without compensation, and employees whose normal scope of employment does not include lobbying activities.
- ❑ Lobbyists are required to register only once a year at a fee of \$490 per year.
- ❑ Lobbyist fees that are contingent on the passage, defeat or decision of County decision-makers are expressly prohibited.

CONE OF SILENCE

Amendments to the Cone of Silence were adopted to include prohibitions regarding contacting elected officials and their staffs.

CAMPAIGN FINANCE REFORM

The Commission on Ethics was given authority to audit campaign accounts of candidates receiving funding from the Election Campaign Trust Fund. Additionally, the Commission staff assisted several municipalities in adopting legislation related to general ethics, campaign finance reform and lobbying restrictions.

RESTITUTION

The Commission continued to support adoption of an amendment to its enabling statute that would allow the Commission to impose restitution against violators of the Conflict of Interest and Code of Ethics Ordinance as well as the Ethical Campaign Practices Ordinance.

GOALS for 2004

EDUCATION AND OUTREACH STRATEGY

- ❑ Release report titled “A Community’s Resolve to Restore Integrity, Accountability and Public Trust: The Miami-Dade Experience (1996 to Present)”
- ❑ Expand Model Student Ethics Program
- ❑ Continue ethics training programs for officials, employees, board members and candidates in municipalities
- ❑ Redesign the Ethics Commission’s website to include comprehensive information, accessible in a more user-friendly format
- ❑ Participate in the County Ethics Officer Program
- ❑ Coordinate the 3rd Annual South Florida Environmental Ethics Conference
- ❑ Host the 2nd Annual Accountability in Public Procurement Conference

ENFORCEMENT OBJECTIVES

- ❑ Provide stringent oversight of candidates subject to the Ethical Campaign Practices Act
- ❑ Strengthen collaboration with the Miami-Dade Public Corruption Unit, U.S. Attorney’s Office, State Attorney’s Office and the Office of the Inspector General
- ❑ Increase investigative staff resources
- ❑ Centralize record-keeping operations to allow for more efficient investigative activities of outside employment, financial disclosure, gift disclosure and ethical campaign practice declarations
- ❑ Monitor construction contractors and subcontractors who have been issued advisory opinions regarding potential conflicts of interest

LEGISLATIVE EFFORTS

- ❑ Advocate for increased accountability in procurement and purchasing activities
- ❑ Encourage the adoption of a Restitution Amendment
- ❑ Revise the Whistleblower’s Protection Act to enable individuals to bring complaints directly to the Commission on Ethics and Office of the Inspector General
- ❑ Expand the “Two-Year Rule” to prevent County employees, officials and board members recently employed in the private sector from making decisions on behalf of the County that involve their former private employers for two years subsequent to such employment
- ❑ Ban County employees and officials from accepting travel and related expenses from County vendors or potential County vendors
- ❑ Broaden the definition of “immediate family” to include other close relationships